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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,234	04/15/2004	Charles Migos	18602-08908 (P3338US1)	9649
61520	7590	02/05/2009		
APPLE/FENWICK SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER OSORIO, RICARDO	
			ART UNIT	PAPER NUMBER
			2629	
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			02/05/2009 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/826,234

**Applicant(s)**

MIGOS ET AL.

**Examiner**

RICARDO L. OSORIO

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-13, 16-18, 21-23 and 26-28 is/are allowed.
- 6) ☒ Claim(s) 9, 14, 19, 24 and 29 is/are rejected.
- 7) ☒ Claim(s) 15, 20, 25 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: After line 9, add: "in response to receiving user input hovering the graphical pointer over the drag region and dragging the graphical pointer in a second direction, dynamically decrementing the value of the parameter"

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14, 19, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al (6,477,271) in view of Sheasby et al (5,995,079).

As to claims 14, 19, 24 and 29, Cooper discloses a system, a method and a computer program product for receiving user input for changing parameters via a graphical user interface, comprising: a software portion configured to display first and second controls; each control comprising a drag region, each drag region comprising a text box displaying a value for a parameter( See Fig. 1b; where there are 2 control are taught by the saturation and hue parameter); a software portion configured to activate at least two controls in response to receiving user selection of at the least two controls( See Fig. 1b; where there are 2 control are taught by the saturation and hue parameter); Accordingly, Cooper does not expressly teaches a software portion configured to dynamically change the parameter values corresponding to the at least two controls in response to receiving user input dragging one of the at least two controls.

However Sheasby teaches a software portion configured to dynamically change the parameter values corresponding to the at least two controls in response to receiving user input dragging one of the at least two controls (See Fig. 1 where the user may point to the edge 18 and drag the edge to the desire position).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the graphical user interface in the system of Sheasby, in view of the teaching in the Cooper reference, because the motivation for modifying the references or to combine the reference teachings would allowed the user to manipulate the drag function to change the value of the parameter.

*Allowable Subject Matter*

4. Claims 15, 20, 25 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 15, 20, 25 and 30 indicate allowable subject matter since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 15, 20, 25 and 30, **"in response to receiving user input positioning a graphical pointer within the text box of one of the at least two controls, clicking, and keying in a value, changing the value of the at least two controls"**. The closest prior art of record however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

6. Claims 1-8, 10-13, 16-18, 21-23 and 26-28 are allowed.

7. The following is an examiner's statement of reasons for allowance: Claims 1-8, 10-13, 16-18, 21-23 and 26-28 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 1, 2, 6, 10, 16, 21, and 26, **"in response to receiving user input positioning a graphical pointer within the text box, clicking, and keying in a value, changing the value of the parameter; in response to receiving user input placing the graphical pointer within the drag region, clicking, and dragging the graphical pointer in a first direction, dynamically incrementing the value of the parameter; in response to receiving user input placing the graphical pointer within the drag region, clicking, and dragging the graphical pointer in a second direction, dynamically decrementing the value of the parameter"**. In claims 7, 17, 22 and 27, **"in response to receiving user input positioning a graphical pointer within the text box, clicking, and keying in a value, changing the value of the parameter; in response to receiving user input placing the graphical pointer within the drag region, clicking, and dragging the graphical pointer along a first axis, dynamically changing the value of the parameter; and in**

response to receiving user input placing the graphical pointer within the drag region, clicking, and dragging the graphical pointer along a second axis". The closest prior art of record however singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

8. Applicant's arguments filed 11/23/2007 have been fully considered but they are not persuasive. Regarding claims 14, 19, 24 and 29, applicant argues that Cooper does not disclose the ability to "select and activate at least two controls". Also, applicant argues that Sheasby does not disclose or suggest the ability to "drag one control and affect a change in at least two controls".

Examiner disagrees because Cooper discloses "selecting and activate at least two controls" ( See Fig 1b; where there are 2 controls are taught by the saturation and hue parameter). Also, Sheasby teaches in response to receiving user input dragging one of the at least two controls, dynamically changing the parameters values corresponding to the at least two controls (See Fig 1 where the user can move the pointer to the edge 18 and drag it to the desired position).

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICARDO L. OSORIO whose telephone number is (571) 272-7676. The examiner can normally be reached on MONDAY-THURSDAY 7:00 am-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AMARE MENGISTU can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RICARDO L OSORIO/  
Primary Examiner, Art Unit 2629